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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE TESLA, INC. SECURITIES
LITIGATION

Case No. 3:18-cv-04865-EMC

**PLAINTIFF'S ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
ANOTHER PARTY'S MATERIAL
SHOULD BE SEALED**

Pursuant to Civil L.R. 7-11 and 79-5(f), Lead Plaintiff Glen Littleton ("Plaintiff") brings this administrative motion to consider whether another party's materials should be filed under seal and/or in redacted form.

This motion is necessitated by the Stipulated Protective Order dated May 20, 2020 (ECF No. 255), which provides that a party seeking to file "Protected Material" with the Court must do so under seal pursuant to Civil L.R. 79-5. *See* Stipulated Protective Order at ¶12.3. Notwithstanding the foregoing, Plaintiff has objected to Defendants' designation of the "Protected Material" as "Confidential" and/or "Highly Confidential – Attorneys' Eyes Only" on the basis that it does not deserve confidential treatment. *See Circle Click Media LLC v. Regus Mgmt. Grp. LLC*, No. 12-cv-04000-EMC, 2016 U.S. Dist. LEXIS 32665, at *4 (N.D. Cal. Mar. 14, 2016) (denying motion to seal where motions were "dispositive"). Therefore, Plaintiff's present Administrative Motion is made for the sole purpose of complying with the Stipulated Protective Order's directives concerning the filing of "Protected Material."

The materials to considered for sealing and/or redaction are as follows:

| Document | Portions to be Filed Under Seal | Party Claiming Confidentiality | Basis for Sealing |
|-------------------------------------|--|---------------------------------------|------------------------------------|
| Exhibit 14 | Entirety | Defendants | Stipulated Protective Order, ¶12.3 |
| Exhibit 41 | Entirety | Defendants | Stipulated Protective Order, ¶12.3 |
| Exhibit 107 | Entirety | Defendants | Stipulated Protective Order, ¶12.3 |
| Exhibit 149 | Entirety | Defendants | Stipulated Protective Order, ¶12.3 |
| Exhibit 194 | Entirety | Defendants | Stipulated Protective Order, ¶12.3 |
| Exhibit 204 | Entirety | Defendants | Stipulated Protective Order, ¶12.3 |
| Exhibit 265 | Entirety | Defendants | Stipulated Protective Order, ¶12.3 |
| Exhibit V | Entirety | Defendants | Stipulated Protective Order, ¶12.3 |
| Exhibit W | Entirety | Defendants | Stipulated Protective Order, ¶12.3 |
| Exhibit X | Entirety | Defendants ¹ | Stipulated Protective Order, ¶12.3 |
| Deepak Ahuja Deposition (excerpts) | Entirety | Defendants | Stipulated Protective Order, ¶12.3 |
| Robyn Denholm Deposition (excerpts) | Entirety | Defendants | Stipulated Protective Order, ¶12.3 |

¹ Exhibit X is the expert report authored by Plaintiff's expert, Michael Hartzmark, Ph.D. Plaintiff designated it confidential because it incorporated material obtained during the course of discovery that had been marked confidential by Defendants. In other words, the confidentiality designation originates from Defendants and is reflected as such in the above table.

| | | | |
|--|----------|------------|------------------------------------|
| Egon-Pierre Durban Deposition (excerpts) | Entirety | Defendants | Stipulated Protective Order, ¶12.3 |
| Elon Musk Deposition (excerpts) | Entirety | Defendants | Stipulated Protective Order, ¶12.3 |
| Elon Musk SEC Transcript (excerpts) | Entirety | Defendants | Stipulated Protective Order, ¶12.3 |
| Sam Teller Deposition (excerpts) | Entirety | Defendants | Stipulated Protective Order, ¶12.3 |
| Sam Teller SEC Transcript (excerpts) | Entirety | Defendants | Stipulated Protective Order, ¶12.3 |

Plaintiff also includes his brief filed in reply and further support of his motion to dismiss as part of the material to be filed under seal. The brief incorporates material that has been marked as confidential during the course of discovery, including the material identified above.

Dated: February 15, 2022

Respectfully submitted,

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